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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/656,511

09/05/2003

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434300-490

8023

46188

7590

11/07/2011

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EXAMINER

WHIPPLE, BRIAN P

ART UNIT

PAPER NUMBER

2448

MAIL DATE

DELIVERY MODE

11/07/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/656,511

Filing Date: September 05, 2003

Appellant(s): TOSEY, JOSEPH PETER ROBERT

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John P. Schaub  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 10/24/11 appealing from the Office action mailed 8/31/11.

**(1) Real Party in Interest**

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The following is a list of claims that are rejected and pending in the application:

Claims 1-62.

**(4) Status of Amendments After Final**

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

**(5) Summary of Claimed Subject Matter**

The examiner has no comment on the summary of claimed subject matter contained in the brief.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

**(7) Claims Appendix**

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

**(8) Evidence Relied Upon**

6,792,085 B1	RIGALDIES ET AL.	9-2004
9,983,308 B1	OBERHAUS ET AL.	1-2006

5,757,669	CHRISTIE ET AL.	5-1998
6,449,622 B1	LARUE ET AL.	9-2002
2002/0065892 A1	MALIK	5-2002

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 5, 8-11, 14, 17-20, 23, 26-34, 37, 39-43, 46, 49-53, 56, and 59-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rigaldies et al. (Rigaldies), U.S. Patent No. 6,792,085 B1, in view of Oberhaus et al. (Oberhaus), U.S. Patent No. 6,983,308 B1.

As to claim 1, Rigaldies discloses a computer implemented method, comprising:

by a mail server, receiving information from a first computing device regarding every change made to an application database located on the first computing device (Abstract; Col. 4, ln. 29-35 and 41-60; Col. 22, ln. 21-23; the client, e-mail server and voice-mail all have respective databases in the form of workstation mailbox, e-mail message store, and voice-mail message store respectively; Fig. 6; Col. 13, ln. 43-60; Col. 15, ln. 44-58; Col. 19, ln. 40-57; on-going synchronization occurs via the agent notifying the voice-mail server of any new status of a message);

by the mail server, storing the information in a mail folder on the mail server, the mail folder corresponding to a user associated with the first computing device and a second computing device (Abstract; Fig. 1-4; Col. 10, ln. 1-8; Col. 15, ln. 59 – Col. 16, ln. 6; the workstation mailbox is replicated/synchronized to the voice-mail server, the voice-mail server inherently includes a mailbox representing the user to accomplish said replication/synchronization) maintaining a copy of the application database (Abstract; Col. 4, ln. 29-35 and 41-60; Col. 22, ln. 21-23; the client, e-mail server and voice-mail all have respective databases in the form of workstation mailbox, e-mail message store, and voice-mail message store respectively; Fig. 6; Col. 13, ln. 43-60; Col. 15, ln. 44-58; Col. 19, ln. 40-57; on-going synchronization occurs via the agent notifying the voice-mail server of any new status of a message); and

forwarding, by the mail server, the information from the mail folder to the second computing device (Fig. 2; Col. 12, ln. 14-43).

Rigaldies is silent on the synchronization being done between the mail server and a first and second *user* computing device;

by the mail server, receiving a synchronization request from the second user computing device and

responsive to the synchronization request, forwarding the information.

However, Oberhaus discloses synchronization (in a manner similar to that disclosed by Rigaldies) between a mail server and a first and second *user* computing device (Abstract, ln. 1-5; Col. 2, ln. 26-46; Col. 3, ln. 28-54; Col. 8, ln. 57-58);

by the mail server, receiving a synchronization request from the second user computing device (Abstract, ln. 1-5; Col. 2, ln. 26-46; Col. 3, ln. 28-54; Col. 8, ln. 57-58) and responsive to the synchronization request, forwarding the information (Abstract, ln. 1-5; Col. 2, ln. 26-46; Col. 3, ln. 28-54; Col. 8, ln. 57-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Rigaldies in the aforementioned manner as taught by Oberhaus in order to enable multiple mailboxes of a user to be synchronized and provide a single “virtual” mailbox (Oberhaus: Col. 1, ln. 56-61) for ease of viewing.

As to claim 2, Rigaldies and Oberhaus disclose the invention substantially as in parent claim 1, wherein the information includes a record for each change made to the application database since said last synchronization (Rigaldies: Col. 18, ln. 31-39; Col. 18, ln. 61 – Col. 19, ln. 23).

As to claim 5, Rigaldies and Oberhaus disclose the invention substantially as in parent claim 2, wherein the record for each change includes an identification of the record (Rigaldies: Col. 18, ln. 20-39; Col. 18, ln. 61 – Col. 19, ln. 23; Col. 19, ln. 40-57).

As to claim 8, Rigaldies and Oberhaus disclose the invention substantially as in parent claim 1, further comprising:

deleting the information from said mail folder after said forwarding (Rigaldies: Col. 18, ln. 31-39).

As to claims 9, 18, 27, 29, 31, 33, 41, 51, and 60-62, the claims are rejected for reasons similar to claim 1 above.

As to claim 10, Rigaldies and Oberhaus disclose the invention substantially as in parent claim 9, wherein the uploading occurs in response to a request for synchronization on the first user computing device (Rigaldies: Fig. 2).

As to claim 11, Rigaldies and Oberhaus disclose the invention substantially as in parent claim 9, wherein the downloading occurs in response to a request for synchronization on the second user computing device (Rigaldies: Col. 4, ln. 41-60; Col. 12, ln. 14-43).

As to claims 14, 23, 37, 46, and 56, the claims are rejected for reasons similar to claim 5 above.

As to claims 17, 26, 28, 30, 32, 39-40, 49-50, and 59, the claims are rejected for reasons similar to claim 8 above.

As to claims 19, 42, and 52, the claims are rejected for reasons similar to claim 10 above.

As to claims 20, 43, and 53, the claims are rejected for reasons similar to claim 11 above.

As to claim 34, the claim is rejected for reasons similar to claim 2 above.

Claims 3, 12, 21, 35, 44, and 54 are rejected under 35 U.S.C. 103(a) as obvious over Rigaldies and Oberhaus as applied to claims 2, 9, 18, 34, 41, and 51 above, in view of Christie et al. (Christie), U.S. Patent No. 5,757,669.

As to claim 3, Rigaldies may be interpreted as inherently disclosing the record for each change includes an identification of the computing device where the change took place as discussed in reference to parent claim 2 (Col. 18, ln. 31-39; Col. 18, ln. 61 – Col. 19, ln. 23). This is due to the fact that Rigaldies discloses synchronization between a single workstation and a single mobile phone. As a consequence, the user must know that any status change synchronization on one device is occurring to a change made by the other device (Abstract; Col. 4, ln. 29-35 and 41-60). However, Rigaldies does not explicitly disclose that a record is kept of the device identifiers related to changes.

However, Christie does explicitly disclose the record for each change includes an identification of the user computing device where the change took place (Col. 3, ln. 47-49). Identification of a device responsible for changes in a networking environment is extremely well known in the networking and database management arts. Networking and database

management rely heavily on the identification of devices responsible for actions, in order to facilitate management and communication between devices.

The benefit of identifying the device responsible for a change in Christie is facilitating message forum communication (Col. 3, ln. 26-35). The entity responsible for the creation of a message is vital in message forums.

This benefit is also of use in Rigaldies' environment. Electronic mail and voice messages are sent and received by a user. It is crucial that a record is kept by the identity of message senders. Additionally, a benefit of device identity being stored would be that each user computing device (the mobile phone and workstation) in Rigaldies' environment could thus ensure that the end user is responsible for changes being made and that changes on messages are not coming from a hostile outside user. Thus both network communication and network security are benefits of identifying the creating entity in regards to electronic messages.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Rigaldies and Oberhaus by storing the identity of a user computing device responsible for a change in a change record as taught by Christie in order to facilitate network communications and network security as discussed above.

As to claims 12, 21, 35, 44, and 54, the claims are rejected for reasons similar to claim 3 above.

Claims 4, 6, 13, 15, 22, 24, 36, 38, 45, 47, 55, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rigaldies and Oberhaus as applied to claims 2, 9, 18, 34, 41, and 51 above, in view of LaRue et al. (LaRue), U.S. Patent No. 6,449,622 B1.

As to claim 4, Rigaldies and Oberhaus disclose the invention substantially as in parent claim 2, including a record for each change used to synchronize with the mail server (Rigaldies: Col. 18, ln. 31-39; Col. 18, ln. 61 – Col. 19, ln. 23), but is silent on the record for each change includes a time stamp indicating the time the record is synchronized with the server.

However, LaRue discloses the record for each change includes a time stamp indicating the time the record is synchronized with the server (Col. 32, ln. 24-56).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Rigaldies and Oberhaus by recording a time stamp indicating the last time a record was synchronized with a server as taught by LaRue in order to compare change times between the server and the user in order to ensure that records are not obsolete (LaRue: Col. 32, ln. 24-37).

As to claims 6, 13, 15, 22, 24, 36, 38, 45, 47, 55, and 57, the claims are rejected for reasons similar to claim 4 above.

Claims 7, 16, 25, 48, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rigaldies and Oberhaus as applied to claims 2, 9, 18, 41, and 51, in view of Malik, U.S. Publication No. 2002/0065892 A1.

As to claim 7, Rigaldies and Oberhaus disclose the invention substantially as in parent claim 2, including a record for each change associated with a change-action-queue record (Rigaldies: Col. 18, ln. 31-39; Col. 18, ln. 61 – Col. 19, ln. 23), but is silent on the record for each change includes a location and identify of attachment documents.

However, Malik discloses the record for each change includes a location and identify of attachment documents ([0026] – [0028]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Rigaldies and Oberhaus by including a location and identify of attachment documents in a record as taught by Malik in order to minimize the amount of duplicate copies of an identical attachment stored in a mail store (Malik: [0020]).

As to claims 16, 25, 48, and 58, the claims are rejected for reasons similar to claim 7 above.

**(10) Response to Argument**

- **Argument 1** (See appeal brief, pages 18-19)

The appellant argues the two-way synchronization of Rigaldies does not involve a third entity.

- **Examiner's Response to Argument 1**

The examiner respectfully disagrees with the appellant's conclusions regarding the citation mentioning two-way synchronization. The examiner believes the citation is simply referring to the directionality of the information exchange and not the number of devices involved in the process. For example, an email server replicating messages to a client and the client replicating to a second server would be one direction and replication from the second server to the client to the email server would be a second direction. However, such a two-way synchronization would involve three devices.

Rigaldies explicitly states that the "replication duplicates messages in each of the mailbox of the workstation and the voice-mail message store of the voice-mail server. Thus, the voice-mail message store contains both the voice-mail and the e-mail" (Abstract, ln. 15-

19). In other words, replication occurs of voice-mail and e-mail between the workstation and the voice-mail server. Furthermore, Rigaldies states "the e-mail messages store contains both the e-mail and the voice-mail" (Abstract, ln. 19-20). Therefore, replication is clearly between three entities in Rigaldies. As can be seen in the drawings of Rigaldies, the voice-mail server, workstation, and e-mail server (Fig. 1) are all replicating the voice-mail and e-mail amongst themselves (Abstract, ln. 15-20).

As stated in the action mailed on 8/31/11:

Any changes made by the user's workstation mailbox are replicated to the voice-mail server and synchronization between the voice-mail server and the e-mail server also occur (Abstract; Fig. 1-4; Col. 10, ln. 1-8; Col. 15, ln. 59 – Col. 16, ln. 6). For example, Rigaldies discloses that the voice-mail message store on the voice-mail server synchronizes with the client to obtain all voice-mail and e-mail (Abstract, "the voice-mail message store contains both the voice-mail and e-mail; Fig. 1-4) and that the e-mail message store on the e-mail server may also contain all voice-mail and e-mail (Abstract, "the e-mail message store contains both the e-mail and the voice-mail; Fig. 1-4). Therefore, synchronization is occurring between the workstation mailbox, the e-mail message store, and the voice-mail message store. Additionally, any mail sent from the mail server to the client may be seen as replication between two

devices, and then synchronization of the client's mail with the voice-mail server is synchronization with a third device (Abstract; Fig. 1-4).

- **Argument 2** (See appeal brief, page 19)

The appellant argues the examiner's mapping would require the voice-mail server to receive information from the e-mail server regarding every change made to the e-mail server.

- **Examiner's Response to Argument 2**

The examiner respectfully disagrees that the examiner's mapping does not show the voice-mail server receiving information regarding every change made to the e-mail server.

As stated above:

Any mail sent from the mail server to the client may be seen as replication between two devices, and then synchronization of the client's mail with the voice-mail server is synchronization with a third device (Abstract; Fig. 1-4). Rigaldies discloses that the voice-mail message store on the voice-mail server synchronizes with the client to obtain all voice-mail and e-mail (Abstract, "the voice-mail message store contains both the voice-mail and e-mail; Fig. 1-4).

In other words, any messages sent from the e-mail server to the client are also replicated to the voice-mail server. Therefore, the changes made to the e-mail server (i.e., the messages of the end user) are replicated to the voice-mail server through the client. The examiner fails to see how the voice-mail server is not receiving the changes of the e-mail server in this interpretation as alleged by the appellant.

- **Argument 3** (See appeal brief, page 21)

The appellant states the mail synch client of Oberhaus receives information from the local mail server and the wireless mail system, not the user's computer and mobile device.

- **Examiner's Response to Argument 3**

With respect, the examiner is unclear on the exact point being made by the appellant in argument 3. The examiner believes it is related to the prior point of contention referenced in the action mailed on 8/31/11 and therefore includes the text of that response herein:

The applicant argues the claim has been amended to clarify the synchronization request comes from a user computing device as opposed to a client computing device. The examiner respectfully fails to see how this language changes the scope of the claim. A user computing device and a client computing device would appear to be equivalent. Oberhaus's teachings suggest the mail synch "client" is a user

device as indicated by the language of the reference (Oberhaus: Abstract, ln. 1-5, “the user is able to effectively see and interact with only a single ‘virtual’ mailbox, which is the synchronized combination of two different electronic mailboxes”; Col. 2, ln. 26-46; Col. 3, ln. 28-54; Col. 8, ln. 57-58). Furthermore, the mail synch is stated to be local to the mail user (Oberhaus: Col. 3, ln. 49-54).

- **Argument 4** (See appeal brief, pages 21-22)

The appellant argues the mobile devices and user’s computer do not maintain a copy of the application database.

- **Examiner’s Response to Argument 4**

The appellant has provided no definition for the application database and therefore the examiner maintains the messages stores maintained for e-mail and/or voice-mail servers as in Rigaldies and Oberhaus may be interpreted as application databases. Furthermore, the appellant’s own claim lends credence to this interpretation. Information representing changes to the application database are received by a mail server and stored in a mail folder on the mail server (Claim 1, lines 2-4, of the instant case). Therefore, the application database is described only in terms of changes saved to a mail folder on a mail server, lending

credence to the examiner's interpretation of the application database as message stores for e-mail and/or voice-mail servers.

This point has also been addressed in the action mailed on 8/31/11 and the response is included herein:

The applicant argues equating temporary copies of mail items with maintaining a copy of an application database is improper. The examiner respectfully disagrees. Oberhaus discloses that the mobile device mail server stores and then handles the “delivery” of mail to the mobile device (Col. 3, ln. 28-54). The local mail server performs the same for the desktop computer (Col. 3, ln. 28-54). If the mail is delivered to the mobile device and the desktop computer, it may be interpreted as being stored, at least temporarily. Additionally, in order to view email on a display at the desktop computer or mobile device, the mail must be stored locally in temporary memory, such as the random-access memory disclosed by Oberhaus (Col. 24, ln. 3-12).

- **Argument 5** (See appeal brief, page 22)

The appellant argues the synchronization request fails to come from a user computing device.

- **Examiner's Response to Argument 5**

The synchronization is disclosed by Oberhaus as being initiated by mail synchronization client for a user (Col. 2, ln. 66 – Col. 3, ln. 13; Col. 8, ln. 57-58, “mail synchronization client then requests the missing messages”). The examiner fails to see how this is not a user computing device.

- **Argument 6** (See appeal brief, page 22)

The appellant argues Oberhaus fails to disclose the mail synchronization client synchronizing information between the user's computer and mobile device.

- **Examiner's Response to Argument 6**

With respect, the appellant is arguing limitations not required by the claim language. Namely, the claim requires synchronization between the mail server and a first and second user computing device, not a user's computer and mobile device. Oberhaus discloses synchronization between a local mail server, a user's computer (a first user computing device), and a mail sync. client (a second user computing device). See the drawings of Oberhaus, which show the synchronization being between the mail server and these two user computing devices (Fig. 1). The citations of Oberhaus clarify that the synchronization is

between the mail server and these two user computing devices (Abstract, ln. 1-5; Col. 2, ln. 26-46; Col. 3, ln. 28-54; Col. 8, ln. 57-58).

- **Argument 7** (See appeal brief, page 22)

The appellant argues equating temporary copies of mail items with maintaining a copy of an application database is improper.

- **Examiner's Response to Argument 7**

This point has been addressed in the action mailed on 8/31/11 and the response is included herein:

The applicant argues equating temporary copies of mail items with maintaining a copy of an application database is improper. The examiner respectfully disagrees. Oberhaus discloses that the mobile device mail server stores and then handles the "delivery" of mail to the mobile device (Col. 3, ln. 28-54). The local mail server performs the same for the desktop computer (Col. 3, ln. 28-54). If the mail is delivered to the mobile device and the desktop computer, it may be interpreted as being stored, at least temporarily. Additionally, in order to view email on a display at the desktop computer or mobile device, the mail must be stored locally in temporary

memory, such as the random-access memory disclosed by Oberhaus (Col. 24, ln. 3-12).

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Brian P. Whipple

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10/31/11

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